

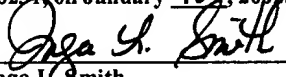


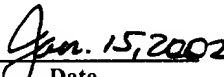
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christophe LELEU : File No.: 74.0241
Ser. No. : 09/914,512 : Group:
Int'l Appln No.: PCT/FR00/00484 : Examiner : Alvarado, W.
Filed : February 25, 2000 : Date: January 15, 2002
For : A METHOD AND APPARATUS
FOR MEASURING THE
PROPAGATION TIME OF A
SIGNAL, IN PARTICULAR AN
ULTRASOUND SIGNAL

CERTIFICATE OF FILING BY EXPRESS MAIL

I hereby certify that the attached amendment and associated documents are being deposited with the US Postal Service, in an envelope as Express Mail Post Office to Addressee service under 37 CFR 1.10, Mailing Label No. EL048487335US addressed to: Honorable Director of Patents and Trademarks, Washington, DC 20231, on January 15, 2002.


Inga L. Smith


Date

PETITION

U.S. Patent and Trademark Office
P.O. Box 2327
Office of Petitions
Box DAC
Arlington, Virginia 22202

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JAN 23 2002

OFFICE OF PETITIONS

SIR:

The undersigned files this Petition in connection with the Notification of Missing Requirements Under 35 U.S.C. 371, mailed October 12, 2001.

The undersigned petitions this Office to accept the enclosed (1) Combined Declaration and Power of Attorney executed by Henri Dupont, on behalf of

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Schlumberger Industries, S.A., and the Inventor, who has refused to sign; and (2) the payment of \$130.00 surcharge for providing an Oath or Declaration.

1. Submission of Oath or Declaration of the Inventor.

In accordance with M.P.E.P. § 1.47(b), a Combined Declaration and Power of Attorney Signed by Person With Sufficient Proprietary Interest is hereby submitted to satisfy the Examining Attorney's request of an Oath or Declaration of the Inventor. The Combined Declaration and Power of Attorney has been signed by a representative of Schlumberger Industries, S.A., the former employer of the Inventor, together with a this Petition setting forth the pertinent facts with a showing that the actions taken are necessary to preserve the rights and to prevent irreparable damage to Schlumberger Industries, S.A.. The Manual of Patent Examining Procedure § 1.147(b) states the following:

“ . . . [A] person to whom an inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage . . . ”

(at R-28).

A. Proof of Sufficient Proprietary Interest By Schlumberger Industries, S.A.

The facts set forth in this Petition are hereby submitted to show proof of sufficient proprietary interest by Schlumberger Industries, S.A.

A proprietary interest may be proven through an employment agreement where the employee (nonsigning inventor) has agreed to assign the invention, which was created

during the employment of the inventor, to his or her employer. (*See*, M.P.E.P. § 409.03(f)). In the present case, the Inventor and named Applicant of this U.S. Patent Appln. No. 09/914,512, was an employee of Schlumberger Industries, S.A., located in Montrouge, France, at the time of the creation of the invention, at the time of the filing of the Parent French patent application, and at the time of the National Phase filing of this U.S. patent application.

The Inventor signed an Invention Specification (Exhibit A), which is signed by inventors employed and contracted with Schlumberger Industries, S.A., for inventions created within the scope and duties of their employment or contract. (See the English translation of the Invention Specification, attached as Exhibit B; and a Certificate attesting to the accuracy of the English translation is attached as Exhibit C). The Invention Specification states that the invention is "in the category of those inventions that are owned by the employer." The Invention Specification is printed on Schlumberger Industries, letterhead. Further, the Invention Specification signed by the Inventor stated that the invention was created within the framework of his duties as an employee of Schlumberger Industries, S.A.

Although the Inventor signed the Invention Specification acknowledging ownership by Schlumberger Industries, S.A., he refused to sign the Oath or Declaration and the Assignment prepared for his signature in connection with U.S. Patent Appln. No. 09/914,512.

B. Action is Necessary to Preserve Rights of the Parties
and to Prevent Irreparable Damage.

M.P.E.P. § 409.03(g) provides that irreparable damage may be established by a statement to indicate the filing date is necessary to preserve the rights of the party or to prevent irreparable damage. Schlumberger Industries, S.A., is taking this action to preserve its rights and to prevent the irreparable damage that will result if the present patent application is deemed abandoned for failure to submit a signed Oath or Declaration of the Inventor. The Inventor has refused to sign the prepared Oath and Declaration, therefore, to protect its interest, Schlumberger Industries, S.A., seeks acceptance of the attached Combined Declaration and Power of Attorney. The Combined Declaration and Power of Attorney has been signed by a representative of Schlumberger Industries, S.A., who declare and believe that Schlumberger, S.A., is an entity standing as a person with sufficient proprietary interest signing on behalf of inventor who refuses to sign.

C. Inventor's Current Address

The current residential address of the Inventor at which he customarily receives mail is not known; however, the last known address of employment is:

Project & Technical Sales Manager
Invensys Metering Systems
Turbimax Industria de Hidrometros Ltda.
Rua Christiano Klimeyers, 819-B
13.460-000 Nova Odessa, SP
Brazil

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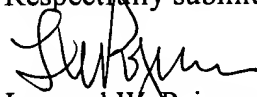
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CONCLUSION

The facts prove that Schlumberger Industries, S.A., have sufficient proprietary interest in the invention and the subject U.S. Patent Appln. No. 09/914,512 and is therefore entitled to acceptance of the Combined Declaration and Power of Attorney which has been signed by a representative of Schlumberger, S.A., on behalf of the inventor who refuses to sign, thereby satisfying all requirements under 35 U.S.C. 371.

Respectfully submitted,



Leonard W. Pojunas
Reg. No. 30,314

Schlumberger Resource Management Services, Inc.
5430 Metric Place,
Norcross, Georgia 30092
(770) 417-3730

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